

**REGULAR MEETING
CITY COUNCIL
APRIL 7, 2005**

ROLL CALL:

MR. WOJCIK, MR. DUNNE, MR. KROGH, MR. MAHONEY, MRS. COLLIER, MR. ARMET, MS. MESSICK, MRS. MAHAR DERGURAHIAN
ABSENT: MR. JUDGE

PUBLIC FORUM: LIST OF SPEAKERS ON FILE IN THE CLERK'S OFFICE**LOCAL LAWS:****ORDINANCES:**

Ordinance No.	1	Date	April 7, 2005
Introduced by Council Member	Armet		
At the request of	Administration	Seconded by	Mahoney

ORDINANCE AMENDING THE SPECIAL GRANT FUND – CD8296
FROM THE DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE JUVENILE
ALTERNATIVE SENTENCING PROGRAM

The City of Troy, in City Council, convened, ordains as follows:

Section 1. This ordinance amends the special revenue grant fund from Division of Criminal Justice Services for additional funding for the alternative sentencing program for juveniles (CD – 8296) is herein amended as set forth in Schedule A entitled:

Special Grant Fund Project Juvenile Accountability Block Grant – CD8296

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form March 18, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:**Ayes: 8****Noes: 0****Abstain: 0**

Sent to the Mayor 4-13-05 - Approved, returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 2 Date April 7, 2005
 Introduced by Council Member Armet
 At the request of Administration Seconded by Collier

ORDINANCE AMENDING THE 2005 CITY BUDGET TO TRANSFER FUNDS WITHIN THE
 GENERAL FUND BUDGET LINES

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2005 budget is herein amended as set forth in Schedule A
 entitled:

2005 Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form March 18, 2005

 David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved, returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3 Date April 7, 2005
 Introduced by Council Member Armet
 At the request of Administration Seconded by Krogh

**ORDINANCE AMENDING THE 2005 CITY BUDGET
 TO ACCEPT FUNDS FROM THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE
 FOR THE PURCHASE OF TRACS – ELECTRONIC TICKET AND ACCIDENT REPORT
 EQUIPMENT AND INSTALLATION**

The City of Troy, convened in city Council, ordains as follows:

Section 1. The 2005 City Budget is hereby amended to provide for the acceptance of
 ADDITIONAL funds from the State of New York Governor's Traffic Safety Committee for the
 purchase of TraCS – Electronic Ticket and Accident Report Equipment and installation thereof as
 provided in Schedule "A" entitled:

“Tracs – Equipment ”

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form March 18, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved, returned 4-20-05

Ordinance No.	<u>4</u>	Date	<u>April 7, 2005</u>
Introduced by Council Member	<u>Armet</u>	Seconded by	<u>Dunne</u>
At the request of	<u>Administration</u>		

ORDINANCE ESTABLISHING A 2005 CAPITAL FUND BUDGET ACCOUNT
FOR THE PURCHASE OF A FIRE AERIAL PLATFORM TRUCK AS DESCRIBED IN BOND
RESOLUTION #1

The City of Troy, convened in city Council, ordains as follows:

Section 1. The 2005 Capital Budget is hereby established to provide for the purchase of a Fire Aerial Platform Truck as provided in Schedule “A” entitled:

“Capital Fund 2005 Budget – Purchase of Fire Aerial Platform Truck”

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form,

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved, returned 4-19-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 5 Date April 7, 2005
 Motion to amend by Council Member Armet Seconded by Messick
 Introduced by Council Member Armet
 At the request of Administration Seconded by Wojcik

ORDINANCE AMENDING THE 2005 GENERAL FUND BUDGET TO ACCEPT A DONATION
 FROM THE LANSINGBURGH HIGH SCHOOL STUDENTS FOR EXPENSES RELATED TO
 THE NEW POLICE CANINE

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy amends the General Fund Budget as set forth in Schedule A
 entitled:

“Police Canine Donation”

which is attached hereto and made a part hereof.

Section 2. This act will take effect immediately.

Approved as to form April 7, 2005

 David B. Mitchell, Corporation Counsel

Motion to amend ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved, returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 6 Date April 7, 2005
 Introduced by Council Member Armet
 At the request of Administration Seconded by Messick

ORDINANCE AMENDING THE 2005 CITY BUDGET FOR
 THE PURCHASE OF POLICE VEHICLES

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2005 budget is herein amended as set forth in Schedule A entitled:

2005 Budget Amendment – Purchase of Police Vehicles

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form March 18, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved, returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No.	<u>7a</u>	Date	<u>April 7, 2005</u>
Introduced by Council Member	<u>Wojcik</u>	Seconded by	<u>Dunne</u>
At the request of	<u>Administration</u>		

ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
LOCATED IN THE CITY OF TROY AND ON THE
ASSESSMENT ROLL OF THE CITY OF TROY

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations on file with the office of the Corporation Counsel:

George Reeves

90.79-6-22

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare a new tax bills in the proper form based on the above-referenced assessments and shall further

authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax rolls shall be adjusted accordingly, and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, March 18, 2005

David B. Mitchell, Corporation Counsel

Ordinance FAILED by the following vote:

Ayes: 0

Noes: 8

Abstain: 0

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 7b **Date** April 7, 2005
Introduced by Council Member Wojcik
At the request of Administration **Seconded by** Dunne

ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
LOCATED IN THE CITY OF TROY AND ON THE
ASSESSMENT ROLL OF THE CITY OF TROY

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations on file with the office of the Corporation Counsel:

Troy Retirement Residence LP

80.3-8.111

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare a new tax bills in the proper form based on the above-referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax rolls shall be adjusted accordingly, and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, March 18, 2005

David B. Mitchell, Corporation Counsel

Ordinance FAILED by the following vote:

Ayes: 3

Noes: 5

Abstain: 0

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. <u>7c</u>	Date <u>April 7, 2005</u>
Introduced by Council Member <u>Wojcik</u>	
At the request of <u>Administration</u>	Seconded by <u>Dunne</u>

ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
LOCATED IN THE CITY OF TROY AND ON THE
ASSESSMENT ROLL OF THE CITY OF TROY

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in a certain stipulations on file with the office of the Corporation Counsel:

Troy Slag Products Co., Inc.

111.35-1.1/1

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations and shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax rolls shall be adjusted accordingly and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, April 1, 2005

David B. Mitchell, Corporation Counsel

Ordinance FAILED by the following vote:

Ayes: 1

Noes: 7

Abstain: 0

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. <u>8</u>	Date <u>April 7, 2005</u>
Introduced by Council Member _____	Judge _____
At the request of <u>Administration</u>	Seconded by <u>Krogh</u>

ORDINANCE AMENDING THE TROY CITY CODE OF ORDINANCES CHAPTER 216 "PARKS
AND RECREATION"

The City of Troy, convened in City Council, ordains as follows:

Section 1. Chapter 216 of the Troy City Code Ordinances, "Parks and Recreation", is hereby amended by the amended section 216-9 "Field Use fees" adding the following language:

"There shall be no fee charged for field usage by any member of the volunteer recreational Youth Organization of Troy, said organizations are defined in Exhibit "A", attached hereto and made a part hereof."

Section 2. This act shall take effect immediately.

Approved as to form, March 28, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - VETOED returned 4-22-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 9 Date April 7, 2005
 Introduced by Council Member _____ Judge _____
 At the request of Administration Seconded by Collier

ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A FULL-TIME ADMINISTRATIVE
 POSITION IN THE RECREATION DEPARTMENT:
 "DIRECTOR OF RECREATION"

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy hereby establishes a full-time administrative position in the Recreation Department, "Director of Recreation", who shall be the department head for the Recreation Department. This position shall be a non-representative position.

Section 2. This act will take effect immediately.

Approved as to form April 1, 2005

 David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 10 Date April 7, 2005
 Introduced by Council Member _____ Judge _____
 At the request of Administration Seconded by Collier

ORDINANCE AMENDING THE 2005 CITY BUDGET
 ELIMINATING AN ADMINISTRATIVE POSITION AND CREATING A RECREATION
 POSITION WITHIN CITY SERVICES

The City of Troy, convened in City Council, ordains as follows:

Section 1. The City of Troy 2005 budget is herein amended as set forth in Schedule A, entitled:

2005 Budget Amendment
Recreation Changes

which is attached hereto and made a part hereof.

Section 2. This act will take effect immediately.

Approved as to form, March 28, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 11 **Date** April 7, 2005
Introduced by Council Member Armet
At the request of Administration **Seconded by** Dunne

**ORDINANCE AMENDING THE 2005 GENERAL FUND CITY BUDGET
TO ACCEPT AN "ASSISTANCE TO FIREFIGHTERS" (FEMA) GRANT FUNDS
ON BEHALF OF THE DEPARTMENT OF HOMELAND SECURITY FOR THE
PURCHASE OF EQUIPMENT AND CAPITAL IMPROVEMENTS (GENERATOR
INSTALLATION)**

The City of Troy, convened in city Council, ordains as follows:

Section 1. The 2005 City General Fund Budget is hereby amended to accept FEMA grant fund revenue and modify appropriations within the 2005 Fire Department Operating Budget as provided in Schedule "A" entitled:

"Public Safety – Fire/Federal Aid – Emergency Disaster"

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, March 28, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No.	<u>12</u>	Date	<u>April 7, 2005</u>
Introduced to be added by Council Member	<u>Collier</u>		
At the request of	<u>Administration</u>	Seconded by	<u>Krogh</u>
Introduced by Council Member	<u>Collier</u>	Seconded by	<u>Messick</u>

ORDINANCE AMENDING THE 1997, 1999, 2000, 2001, 2002, 2003, and 2004 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGETS TO TRANSFER THE RESIDUAL BALANCES TO THE CDBG 2040-2941 VACANT BUILDING/SECURE ACCOUNT TO SUPPORT THE CITY'S VACANT BUILDING/SECURE/STABILIZATION PROJECTS

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy Community Development Block Grant Budget is herein amended as set forth in Schedule A:
 "CDBG/VACANT BUILDING-SECURE TRANSFER"

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, January 24, 2005

David Mitchell, Corporation Counsel

Ordinance Added to agenda by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Ordinance Adopted by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 13 Date April 7, 2005
 Introduced to be added by Council Member Collier
 At the request of Administration Seconded by Armet
 Introduced by Council Member Collier Seconded by Krogh

**ORDINANCE AMENDING THE 1993, 1994, 1995, 1998, 1999, and 2001 EMERGENCY
 SHELTER GRANT (ESG) BUDGETS TO TRANSFER THE RESIDUAL BALANCES TO THE
 ESG 1997-4111 ESG CITY ADMINISTRATION ACCOUNT TO SUPPORT THE CITY'S
 ADMINISTRATION COSTS
 RELATIVE TO ESG PROJECTS**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy Emergency Shelter Grant Budgets is herein amended as set forth in Schedule A:

“ESG TRANSFER”

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, January 24, 2005

 David Mitchell, Corporation Counsel

Ordinance ADDED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 1 Date April 7, 2005
 Introduced by Council Member Armet
 At the request of Administration Seconded by Collier

**BOND RESOLUTION OF THE CITY OF TROY, NEW YORK, AUTHORIZING
THE ISSUANCE OF \$650,000 SERIAL BONDS TO FINANCE THE COST OF A
NEW FIRE LADDER TRUCK**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Troy, New York as follows:

Section 1. The City of Troy, New York (the "City") is hereby authorized to purchase a fire ladder truck for use in fighting fires, including apparatus used in connection with such truck, at an estimated maximum cost of \$750,000.

Section 2. The plan for financing such estimated maximum cost shall be as follows:

- (a) by the issuance of \$650,000 in serial bonds (the "Bonds") of the City, which are hereby authorized to be issued pursuant to this resolution; and
- (b) by the appropriation and expenditure of \$100,000 from the Fire Department Vehicle Capital Account, which is hereby authorized.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty (20) years pursuant to paragraph 27 of Section 11.00(a) of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes,

and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the City's General Fund. It is intended that the City shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the City's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2. Other than as specified in this resolution, no moneys are reasonably expected to be, received, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the City's Comptroller, the Chief Fiscal Officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously or heretofore adopted by the City Council for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the serial bonds and the bond anticipation notes with other issues of the City and the serial maturities of the bonds are hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The City Comptroller, as Chief Fiscal Officer of the City, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the City to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 12. This resolution, or a summary of this resolution, shall be published in the official newspapers of the City for such purpose, together with a notice of the Clerk of the City in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. This resolution is not subject to a mandatory or permissive referendum.

Section 14. The Council hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 15. No Bonds, or bond anticipation notes to be issued in anticipation of the Bonds, shall be issued until the Supervisory Board created by Chapter 721 of the Laws of 1994, as amended (the "Act") shall have first reviewed and commented on the issuance of the Bonds and any bond anticipation notes to be issued in anticipation of the Bonds in accordance with the requirements of the Act.

Section 16. This resolution shall take effect immediately upon its adoption.

Approved as to form, March 18, 2005

David B. Mitchell, Corporation Counsel

STATE OF NEW YORK)
)SS.:
COUNTY OF RENSSELAER)

I, _____, Clerk of the City of Troy, Rensselaer County, New York (the "City"), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City, held on the 3rd day of March, 2005 including the resolution contained therein, with the original thereof on file in my office, and the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that the full City Council of the City consists of nine (9) members; that _____ () members of the City Council were present at such meeting; and that _____ () of such members voted in favor of the above resolution.

I FURTHER CERTIFY that (i) all members of the City Council had due notice of the meeting, (ii) pursuant to Article 7 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public, and due notice of the time and place of such meeting was duly given in accordance with Article 7 of the Public Officers Law, and (iii) the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this ____ day of March, 2005.

_____, Clerk City of Troy,
Rensselaer County, New York

(SEAL)

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-19-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 2 **Date** April 7, 2005
Introduced by Council Member Armet
At the request of Administration **Seconded by** Wojcik

**RESOLUTION DETERMINING THAT PROPOSED ACTIONS
 ARE TYPE II ACTIONS FOR PURPOSES OF THE
 NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT**

WHEREAS, the City Council of the City of Troy, New York (the "City") is considering undertaking the purchase of a new fire ladder truck (the "Project"); and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the City desires to comply with the SEQR Act and the Regulations with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED by the members of the City Council of the City of Troy, New York as follows:

1. The Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c)(25) and no further action under the SEQR Act and the Regulations is required.
2. This resolution shall take effect immediately.

The foregoing resolution was thereupon declared duly adopted.

Approved as to form March 18, 2005

 David B. Mitchell, Corporation Counsel

STATE OF NEW YORK)
)SS.:
 COUNTY OF RENSSELAER)

I, _____, Clerk of the City of Troy, Rensselaer County, New York (the "City"),
DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City, held on the 3rd day of March, 2005 including the resolution contained therein, with the original thereof on file in my office, and the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that the full City Council of the City consists of nine (9) members; that _____ () members of the City Council were present at such meeting; and that _____ () of such members voted in favor of the above resolution.

I FURTHER CERTIFY that (i) all members of the City Council had due notice of the meeting, (ii) pursuant to Article 7 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public, and due notice of the time and place of such meeting was duly given in accordance with Article 7 of the Public Officers Law, and (iii) the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this _____ day of March, 2005.

_____, Clerk
City of Troy, Rensselaer County, New York

(SEAL)

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-20-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. <u>3</u>	Date <u>April 7, 2005</u>
Introduced by Council Member _____	Wojcik
At the request of <u>Administration</u>	Seconded by <u>Messick</u>

**RESOLUTION AUTHORIZING THE CORPORATION COUNSEL
TO HIRE OUTSIDE COUNSEL TO ASSIST THE CORPORATION COUNSEL IN THE
DEFENSE OF LITIGATION AGAINST THE CITY**

WHEREAS, section C-76 of the Troy City Charter authorizes the Corporation
Counsel to hire outside Counsel to assist in the argument of important cases, and

WHEREAS, the hiring of outside Counsel would be funded from the current Corporation Counsel Budget, with no increase in the department budget, and

WHEREAS, the outside Counsel would be paid as an independent contractor, with no benefits, but will be managed and accountable on every case to the Corporation Counsel, and

WHEREAS, the fees paid to any outside Counsel retained would not exceed one-hundred dollars per hour for all pre-trial work and one-hundred twenty-five dollars per hour for actual trial work, and

WHEREAS, the Corporation Counsel has determined that it would be in the best interest of the City of Troy to allow him to hire said outside Counsel, as needed, provided there are no budgetary increases.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Troy hereby authorizes the Corporation Counsel to hire outside Counsel to assist in the defense of various litigation against the City.

Approved as to form, March 18, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 4 **Date** April 7, 2005
Introduced by Council President DerGurahian
At the request of Administration **Seconded by** Armet

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO
 A ONE YEAR CONTRACT WITH THE HUDSON-MOHAWK
 HUMANE SOCIETY FOR ANIMAL SHELTER SERVICES FOR 2005.**

WHEREAS, the City of Troy is in need of twenty-four (24) animal shelter access and services related to confined, sick, stray, injured or unwanted dogs and/or cats within the City limits, and

WHEREAS, the City Council desires to formalize this relationship by executing these attached contract for those services.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby authorizing the Mayor to enter into a contract with the Hudson-Mohawk Humane Society for animal shelter services for 2005.

Approved as to form, March 18, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. <u>5</u>	Date <u>April 7, 2005</u>
Introduced by Council Member <u>Collier</u>	
At the request of <u>Administration</u>	Seconded by <u>Krogh</u>

RESOLUTION IN SUPPORT OF THE CITY OF TROY'S APPLICATION FOR FUNDING ASSISTANCE FROM THE NEW YORK STATE HOUSING TRUST FUND CORPORATION'S NEW YORK MAINSTREET GRANT PROGRAM

WHEREAS, in 2005 the New York State Housing Trust Fund Corporation is expected to make available statewide \$10 million for the New York Main Street Grant Program for the purpose of providing financial and technical resources to help communities with their downtown revitalization efforts; and

WHEREAS, the City of Troy recognizes the recent business development interest and investments made in the Third Street Corridor and has been actively involved in facilitating discussions among new investors and potential investors regarding the opportunities and challenges facing the emerging commercial district; and

WHEREAS, the City of Troy has partnered with the Troy Local Development Corporation in identifying the corridor as a target area for the purposes of directing resources and supporting and fostering continued mixed-use revitalization; and

WHEREAS, the City of Troy would like to join with the City Council in supporting the Troy Local Development Corporation's application for Main Street funding assistance for projects located on the Third Street Corridor that also seek to undertake mixed-use development that will attract new investment to and adaptive reuse of buildings, that will stimulate small business development, where economically feasible, that preserve the historic character of a building, that increase affordable housing opportunities, and that bring vacant and underutilized commercial space into code compliance for commercial or retail uses.

NOW, THEREFORE, BE IT RESOLVED, that the City of Troy and the City Council express their support for the Troy Local Development Corporation's application for funding assistance from the New York Main Street Grant Program.

Approved as to form March 18, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No.	<u>6</u>	Date	<u>April 7, 2005</u>
Introduced by Council Member	<u></u>	Collier	<u></u>
At the request of	<u>Administration</u>	Seconded by	<u>Armet</u>

RESOLUTION IN SUPPORT OF THE CITY OF TROY'S APPLICATION FOR STATE ASSISTANCE FROM THE NEW YORK STATE DEPARTMENT OF STATE'S QUALITY COMMUNITIES DEMONSTRATION PROGRAM

WHEREAS, as part of the 2004-2005 Fiscal Year Budget, the Governor and State Legislature have provided \$1,000,000 for the Quality Communities Program to enhance the opportunities and incentives for innovative community planning, and development of implementation tools and strategies that link economic prosperity and community well-being; and

WHEREAS, the administration of the City of Troy has initiated the waterfront redevelopment project *Destination Troy* that demonstrates innovative community planning and a feasible strategy for further advancing economic prosperity in the downtown and on the waterfront; and

WHEREAS, the goal of *Destination Troy* is to expand existing waterfront uses and facilities in Riverfront Park and construct new waterfront attractions that will provide educational and recreational activities, entertainment events, and improved park and boating amenities that will transform the downtown waterfront area into a regional destination place; and

WHEREAS, the City of Troy has submitted an application for grant funding assistance for expenses associated with planning, architectural design, and marketing of *Destination Troy* and seeks the support of the Troy City Council for this exciting and ambitious initiative.

NOW, THEREFORE, BE IT RESOLVED, that the City Council expresses its support for the downtown waterfront redevelopment initiative *Destination Troy*.

Approved as to form March 18, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. <u>7</u>	Date <u>April 7, 2005</u>
Introduced by Council President <u>DerGurahian</u>	
At the request of <u>Administration</u>	Seconded by <u>Messick</u>

**RESOLUTION APPROVING DEPUTY CLERK AND ASSISTANT TO THE CITY CLERK
PURSUANT TO CHARTER PROVISION C-12**

WHEREAS, Section C-12 of the City Charter of the City of Troy authorizes the City Clerk to appoint a deputy and an assistant at his/her pleasure, with the approval of the City Council, and

WHEREAS, City Clerk Flora O'Malley has appointed Michele Mahr to the position of Deputy Clerk, and

WHEREAS, City Clerk Flora O'Malley has appointed Michele DeLair to the position of Assistant to the City Clerk, and

WHEREAS, both of the above positions are subject to approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Troy hereby approves of the appointment of Michele Mahr to the position of Deputy Clerk and Michele DeLair to the position of Assistant to the City Clerk.

Approved as to form March 23, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No.	<u>8</u>	Date	<u>April 7, 2005</u>
Introduced by Council President	<u>DerGurahian</u>		
At the request of	<u>Administration</u>	Seconded by	<u>Entire Council</u>

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule "A", attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule "A".

Approved as to form, April 1, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-20-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 9 Date April 7, 2005
 Introduced by Council Member Collier
 At the request of Administration Seconded by Armet

BOND RESOLUTION OF THE CITY OF TROY, NEW YORK,
 AUTHORIZING THE ISSUANCE OF \$250,000 SERIAL
 BONDS TO FINANCE THE COST OF
SIDEWALK AND CURB CONSTRUCTION

BE IT RESOLVED by the City Council of the City of Troy, New York as follows:

Section 1. The City of Troy, New York (the "City") is hereby authorized to undertake the reconstruction or construction of replacement sidewalks and curbs of brick, stone or concrete located on various City property, at an estimated maximum cost of \$250,000, and to issue an aggregate \$250,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid object or purpose.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$250,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$250,000 in serial bonds (the "Bonds") of the City authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten (10) years pursuant to paragraph 24 of Section 11.00(a) of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year. There shall annually be apportioned and assessed upon the

several lots and parcels of land within the City, which the City Council shall determine and specify to be especially benefited by the capital purposes described in Section 1 of this resolution, an amount sufficient to pay the principal of and interest on the Bonds and any bond anticipation notes issued in anticipation of the Bonds, as the same becomes due and payable, but if not paid from such source, all the taxable real property in the City shall be subject to levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on such obligations.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the City's General Fund. It is intended that the City shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This Resolution is intended to constitute the declaration of the City's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2. Other than as specified in this resolution, no moneys are reasonably expected to be, received, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the City's Comptroller, the Chief Fiscal Officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously or heretofore adopted by the City Council for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the serial bonds and the bond anticipation notes with other issues of the City and the serial maturities of the bonds are hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The City Comptroller, as Chief Fiscal Officer of the City, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the City to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 12. This resolution, or a summary of this resolution, shall be published in the official newspapers of the City for such purpose, together with a notice of the Clerk of the City in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. This resolution is not subject to a mandatory or permissive referendum.

Section 14. The Council hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 15. No Bonds, or bond anticipation notes to be issued in anticipation of the Bonds, shall be issued until the Supervisory Board created by Chapter 721 of the Laws of 1994, as amended (the "Act") shall have first reviewed and commented on the issuance of the Bonds and any bond anticipation notes to be issued in anticipation of the Bonds in accordance with the requirements of the Act.

Section 16. This resolution shall take effect immediately upon its adoption.

Approved as to form, March 29, 2005

David B. Mitchell, Corporation Counsel

STATE OF NEW YORK)
)SS.:
COUNTY OF RENSSELAER)

I, _____, Clerk of the City of Troy, Rensselaer County, New York (the "City"), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City, held on the 7th day of April, 2005 including the resolution contained therein, with the original thereof on file in my office, and the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that the full City Council of the City consists of nine (9) members; that _____ () members of the City Council were present at such meeting; and that _____ () of such members voted in favor of the above resolution.

I FURTHER CERTIFY that (i) all members of the City Council had due notice of the meeting, (ii) pursuant to Article 7 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public, and due notice of the time and place of such meeting was duly given in accordance with Article 7 of the Public Officers Law, and (iii) the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 7th day of April, 2005.

_____, Clerk
City of Troy, Rensselaer County, New York

(SEAL)

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-19-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 10 **Date** April 7, 2005
Introduced by Council Member Collier
At the request of Administration **Seconded by** Dunne

RESOLUTION DETERMINING THAT PROPOSED ACTIONS ARE
TYPE II ACTIONS FOR PURPOSES OF THE NEW YORK
STATE ENVIRONMENTAL QUALITY REVIEW ACT.

By Council of the City of Troy

April 7, 2005

WHEREAS, the City Council of the City of Troy, New York (the "City") is considering undertaking the construction and reconstruction of various City sidewalks and curbs to replace existing sidewalks and curbs in kind (the "Project"); and

WHEREAS, Pursuant to New York State Environmental Quality Review Act (the "SEQR Act"), and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the City desires to comply with the SEQR Act and the Regulations with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF TROY, NEW YORK AS FOLLOWS:

1. The Project constitutes a "Type II Action" under 6 NYCRR Section 617.5(c)(2) of the Regulations, and no further action under the SEQRA Act and the Regulations is required.

2 This resolution shall take effect immediately.

The foregoing resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) ss.:
COUNTY OF RENSSELAER)

I, _____, Clerk of the City of Troy, Rensselaer County, New York (the "City"), DO HEREBY CERTIFY:

That I have compared the attached resolution approved at the meeting of the City Council of the City, held on the 7th day of April, 2005, with the original thereof on file in my office, and the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that the full City Council of the City consists of nine (9) members; that _____ () members of the City Council were present at such meeting, that _____ () of such members voted in favor of the above resolution; and that the above resolution has not been amended or repealed.

I FURTHER CERTIFY that (i) all members of the City Council had due notice of the meeting, (ii) pursuant to Article 7 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public, and due notice of the time and place of such meeting was duly given in accordance with Article 7 of the Public Officers Law, and (iii) the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 7th day of April, 2005.

_____, Clerk
City of Troy, Rensselaer County, New York

(SEAL)

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 4-13-05 - Approved and returned 4-20-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Meeting adjourned 8:27 pm